

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant: Stephen M. Bull

Assignee: Cutlass, Inc.

Title: INTERACTIVE ENTERTAINMENT

Serial No.: 09/931,817 File Date: August 16, 2001

Examiner: Corbett B. Coburn Art Unit: 3714

Docket No.: BUL-001

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October 10, 2006

Mail Stop Appeal Brief-Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

REPLY BRIEF

Sir:

This Reply Brief is in response to the Examiner's Answer  
dated September 25, 2006.

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### **A. Response To Examiner's Argument**

Appellant is unclear how the Examiner is defining the "structure" of a game. If the Examiner is defining the structure of a game as how it is played, then Appellant respectfully submits that the "structure" of the claimed game is different than that of Sporgis.

Sporgis relies on each player (or each group of players) having a communication device with a GPS receiver. Col. 2, lines 3-6. A player receives clues based on his/her position. Col. 2, lines 10-12. The participants follow the clues along the route to a treasure. Col. 2, lines 20-21. The first player to arrive at the treasure wins. Col. 2, lines 21-22.

In contrast, Claim 25 recites,

A method of providing a game that creates awareness of at least one sponsor, the method comprising:

defining a plurality of game spaces, each game space including an advertising object and a clue involving the advertising object, wherein solving the clue includes interacting with the advertising object, thereby creating awareness of a sponsor of the advertising object; and

after solving the clue, directing a player to proceed from one game space to a next game space including a next advertising object.

Thus, the GPS receiver of Sporgis is not needed for a person to play Appellant's game. Moreover, each game space includes an advertising object, which is neither disclosed nor suggested in Sporgis. Yet further, to solve the clue, a player interacts with that advertising object, thereby creating awareness of the sponsor of the advertising object. This interaction is also neither disclosed nor suggested by Sporgis. Therefore, Appellant submits that because the games are played differently, that the "structures" of the games are also different.

The Examiner argues that Appellant is asking for boilerplate to be ignored. Appellant does not ask for this boilerplate to be ignored. However, Appellant does submit that, without the benefit of hindsight, this boilerplate does not anticipate or render obvious the recited game spaces.

The Examiner further argues that comparing Appellant's invention and Sporgis is like comparing different versions of Trivial Pursuit®. Appellant traverses this characterization. In a Trivial Pursuit® board game, irrespective of the question set, the object of the game is to move along a circular track and the spokes by correctly answering questions, and to collect colored wedges for correctly answered questions. Thus, irrespective of the version of Trivial Pursuit®, a player would immediately understand how the game is played and won.

In contrast, Sporgis teaches nothing about interacting with an advertising object to solve a clue. Thus, a person who has played in a Sporgis treasure hunt would not know how Appellant's game is played and won.

The Examiner further argues that it would have been obvious to one skilled in the art to have made the Sporgis clues advertising clues to produce effective advertising, thereby attracting sponsors. Appellant respectfully submits that this reasoning reflects hindsight rather than a disclosure or suggestion provided by Sporgis.

**B. CONCLUSION**

For the foregoing reasons, it is submitted that the Examiner's continued rejections of Claims 25-28 are erroneous, and reversal of these rejections is respectfully requested.

Respectfully submitted,



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